

Notice of Allowability	Application No.	Applicant(s)	
	09/196,524	JESSOP ET AL.	
	Examiner Dwayne K Handy	Art Unit 1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment filed 2/11/2005.
2. The allowed claim(s) is/are 10-23.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date 3.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ron Gorche on 3/21/05.

2. The application has been amended as follows:

In claim 21 after line 3, but before line 4, the phrase -- a plurality of pipette tips each having a length; -- has been added.

Allowable Subject Matter

3. Claims 10-23 are allowed.

4. The following is an examiner's statement of reasons for allowance:

In claims 16 and 21, applicant has claimed a system for positioning pipette tips in a dispensing tray having a matrix of tray apertures sized to receive the tips. The system is comprised of two main elements: a receiving card and a transfer member. **The receiving card consists of an upper surface and a lower surface and a matrix of apertures.** Each aperture is sized to position a pipette tip therein such that the pipette tips may extend through the lower surface of the card to register with a dispensing tray

and also extend through upper surface. The receiving card is also configured to not be attachable to any structure configured to engage and maintain the pipette tips in a stable position in the card. The receiving card is best shown in Figure 2. The transfer member – shown in Figure 3 – has an upper surface and an undersurface. The undersurface has a plurality of projections positioned and sized to extend away from the undersurface and register with the first end of a plurality of pipette tips. The projections engage the pipette tips to inhibit lateral movement of the transfer member relative to the pipette. The transfer member is sized of a width and length that matches comparable to the length and width of the receiving card. *The transfer member is also configured with no structure for attaching the transfer member to the receiving card.* The system of claim 21 contains a receiving card that **consists essentially of** an upper surface and a lower surface and a matrix of apertures. In claims 10 and 23, applicant has claimed a method of using the transfer system that includes all of the structural limitations of the allowed system claims.

The Examiner considers the reference “Scaramella” to be the closest prior art. Scaramella teaches a pipette tip packaging system having a holder card and transfer member, but the transfer member of Scaramella includes an additional latching mechanism that connects to the holder card. As noted above, the current amended claims recite a transfer member that is also configured with no structure for attaching the transfer member to the receiving card a surface that does not have the additional latching mechanism or any other surface for engaging or connecting to the receiving card.

Art Unit: 1743

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koppenberg (4,566,668) teaches an apparatus for casting concrete having of a plate with extensions therefrom and a plate with openings.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1743

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKH
March 17, 2005

Jill Warden
Jill Warden
Supervisory Patent Examiner
Technology Center 1700